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10/715,095

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Olli Oksanen

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EXAMINER

SHRESTHA, KIRAN K

ART UNIT

PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/715,095

Applicant(s)

OKSANEN ET AL.

Examiner

Kiran K. Shrestha

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/04, 09/05 and 01/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the original filing of November 17, 2003. Claims 1, 22 and 24 are independent claims. Claims 1-29 are pending and have been considered below.

### **Information Disclosure Statement**

2. The information disclosure statement (IDS) submitted on 08/02/2004, 09/19/2005 and 01/03/2007 was filed after the mailing date of the application on 11/17/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (e.g. DVD, ROM, Java, etc.) throughout the specification without first including a description in plain text, as required. Appropriate correction is required.

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4. Specification is objected to because related co-pending application, given in the specification needs to be updated by including the U.S. Patent Application Serial numbers (10/715,162, 10/792175, and 10/715187).
5. The specification is objected to because blank lines on page 3, paragraph [0026] need to be completed.

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims of instant application (10/715095)** 1, and 22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, and 11 of copending Application No. 10/715,162. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reason set forth hereinbelow.

Claims of instant application 10/715095 are essentially the same as claims of copending application 10/715,162 except that the instant application recites "browse of media view and a media handle" but the co-pending application recites "views of media view and the time bar."

It would have been obvious to a person of ordinary skill in art at the time of the invention was made to browse of media view and media handle with ability to view over several period of time.

**Claims of instant application (10/715187)** 1, 4, 37 and 39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 11 and 13 of copending Application No. 10/715,162. Although the conflicting claims

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are not identical, they are not patentably distinct from each other for the reason set forth hereinbelow.

Claims of instant application 10/715187 are essentially the same as claims of copending application 10/715,162 except that the instant application recites "views of calendar and media views" but the co-pending application recites "views of media view and the time bar."

It would have been obvious to a person of ordinary skill in art at the time of the invention was made to provide the display of the calendar and media views.

**Claims of instant application (10/792175)** 1, 21, 24, and 35 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 5, 7, 11, and 13 of copending Application No. 10/715,162. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reason set forth hereinbelow.

Claims of instant application 10/792,175 are essentially the same as claims of copending application 10/715,162 except that the instant application recites "timeline view that is presented in combination with media view and provides access to media files." The copending application has "time bar that divides time segments having a size."

It would have been obvious to a person of ordinary skill in art at the time of the invention was made to display timeline view that combine with media view and media file.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an application for providing access to media file does not reasonably provide enablement for a computer readable medium providing access. The application in this claim consists of a single structural limitation: "computer readable storage medium", and thus is interpreted as a single means/single step claim under MPEP 2164.08(a).

"A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every

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conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor."

### ***Claim Objections***

9. Claim 7 and 9 are objected to because of the following informality: "the centerline" in 4<sup>th</sup> line of both claims should be "a centerline".

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.



Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang et al.  
(US 6301586 B1).

**Claim 1:** Yang discloses an application for providing access to media files on a digital device, the application comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions comprising:

first instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time (Fig. 6; column 5, lines 43-48) ;  
and

second instructions for generating a media handle that provides the ability to browse a view generated by the application over several periods of time (column 24, lines 35-39).

**Claim 2:** Yang discloses the application of claim 1, wherein the second instructions for generating a media handle further provides the ability to browse periods of time within a view of the application according to a chosen browse parameter (column 24, lines 35-39).

**Claim 3:** Yang discloses the application of claim 2, wherein the second instructions for generating a media handle provides for the ability to browse periods of time within a

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view of the application according to a browse parameter chosen from any combination of items of metadata associated with the media files (Fig. 7; column 24, lines 35-39).

**Claim 4:** Yang discloses the application of claim 2, wherein the second instructions for generating a media handle provides for the ability to browse periods of time within a view of the application according to a browse parameter chosen from one or more items of metadata associated with periods of time (column 24, lines 35-39).

**Claim 5:** Yang discloses the application of claim 3, wherein the item of metadata is chosen from the group consisting of time, media file type, media file size, media file bookmark, media file annotation, media file representation, media file title, media file name, topic, content, location, situation, preferences, contact information, names of people, names of electronic devices, technical information of electronic devices, items described in the media file and tables of content information (column 5, lines 43-48).

**Claim 6:** Yang discloses application of claim 2, wherein the second instructions for generating a media handle further includes instructions for decreasing the speed of the browsing when the application determines that an approaching media file is in accord with the chosen browse parameter (Fig. 11).

**Claim 7:** Yang discloses application of claim 6, wherein the second instructions for generating a media handle further includes instructions for decreasing the speed of the

browsing in relation to the distance of the approaching media file and extent of a deviation of the media handle from the centerline position (Fig. 11).

**Claim 8:** Yang discloses the application of claim 2, wherein the second instructions for generating a media handle further includes instructions for increasing the speed of the browsing when a media file, in accord with the chosen browse parameter, bypasses a centerline of a view generated by the application (Fig. 10; column 19, lines 54-62).

**Claim 9:** Yang discloses the application of claim 8, wherein the second instructions for generating a media handle further includes instructions for increasing the speed of the browsing in relation to the distance of the bypassing media file and extent of a deviation of the media handle from the centerline position (Fig. 10; column 19, lines 54-62).

**Claim 10:** Yang discloses the application of claim 1, wherein the first instructions associate digital media files with a period of time based upon information associated with the digital media file (Fig. 6; column 5, lines 43-48).

**Claim 11:** Yang discloses the application of claim 1, further comprising third instructions for generating a calendar view that represents time in calendar format and associates events with respective periods of time (Fig. 8; column 5, lines 43-48).

**Claim 12:** Yang discloses the application of claim 1, further comprising third instructions for generating a calendar view that represents time in calendar format and associates events with respective periods of time (Fig. 6, Fig. 8 and column 5, lines 43-48).

**Claim 13:** Yang discloses the application of claim 2, wherein the second instructions for generating a media handle that provides the ability to browse periods of time within a view of the application according to a chosen browse parameter further includes instructions for browsing the media items by stepping directly to the period of time including the media file having the chosen browse parameter (column 24, lines 35-39 and Fig. 8; column 5, lines 43-48).

**Claim 14:** Yang discloses the application of claim 2, wherein the second instructions for generating a media handle that provides the ability to browse periods of time within a view of the application according to a chosen browse parameter further includes instructions to browse a media view, a calendar view and a time bar (column 24, lines 35-39 and Fig. 8).

**Claim 15:** Yang discloses the application of claim 1, wherein the second instructions for generating a media handle further provides for a browsing step function that is proportional to a movement of the media handle along a time bar (column 21, lines 60-65 and Fig. 6).

**Claim 16:** Yang discloses the application of claim 1, wherein the second instructions for generating a media handle further provides for generating a center mark on the media handle that indicates the period of time that is browsed to a centerline of the view of the application (column 21, lines 60-65 and Fig. 6).

**Claim 17:** Yang discloses the application of claim 1, wherein the second instructions for generating a media handle further provides for a speed of browsing that is proportional to the distance that the media handle is deviated from a centerline position on a view of the application (column 21, lines 60-65 and Fig. 6).

**Claim 18:** Yang discloses the application of claims 17, wherein the second instructions for generating a media handle further provides for a speed of browsing that accelerates when the media handle is deviated a certain distance from the centerline position on the view of the application (column 21, lines 60-65 and Fig. 6).

**Claim 19:** Yang discloses the application of claim 17, wherein the second instructions for generating a media handle further includes instructions for increasing the speed of browsing as the distance from the centerline position is increased (column 21, lines 60-65 and Fig. 6).

**Claim 20:** Yang discloses the application of claim 17, wherein the second instructions for generating a media handle further includes instructions for decreasing the speed of

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browsing as the distance from the centerline position is decreased (column 21, lines 60-65 and Fig. 6).

**Claim 21:** Yang discloses the application of claim 18, wherein the third instructions for generating a media handle further includes instructions for decreasing the speed of the browsing when a media file in accord with the chosen browse parameter enters a viewable area of the display and increasing the speed of the browsing when the media file in accord with the chosen browse parameter bypasses the viewable area of the display (column 21, lines 60-65 and Fig. 6).

**Claim 22:** Yang discloses a digital device, the device comprising: a processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising:

first instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time (Fig. 6; column 5 lines 43-48),

and

second instructions for generating a media handle that provides the ability to browse a view generated by the application over several periods of time (column 24, lines 35-39);

and

a display in communication with the processing unit that presents a combined view of the media view and the media handle (column 4, lines 36-41).

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**Claim 23:** Yang discloses the digital device of claim 22, wherein the processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising further comprises a third instructions for generating a calendar view that represents time in calendar format, associates events with respective periods of time and is presented by the display in combination with the media view and media handle (Fig. 8; column 5, lines 43-48).

**Claim 24:** Yang discloses a method for browsing media files in a media application, the method comprising the steps of:

providing for a media view and a media handle on a display associated with a device implementing the media application (Fig. 6; column 5, lines 43-48);

deviating, the media handle, a distance from a centerline position on the display (column 24, lines 35-39); and

setting the browse speed according to the distance that the media handle deviates from the centerline position in order to locate a desired media file representation within the media view (column 4, lines 36-41).

**Claim 25:** Yang discloses the method of claim 24, further comprising the step of adjusting the deviation distance an appropriate amount and adjusting the browse speed according to the adjusted deviation distance to locate the desired media file within the media view (column 21, lines 60-65 and Fig. 6).

**Claim 26:** Yang discloses the method of claim 24, further comprising the step of defining a browse parameter prior to deviating, the media handle, a distance from a centerline position on the display (column 21, lines 60-65 and Fig. 6).

**Claim 27:** Yang discloses the method of claim 26, wherein the step of defining a browse parameter prior to deviating, the media handle, a distance from a centerline position on the display further comprises defining a browse parameter chosen from the group consisting of time, media file type, metadata information, media file bookmarks, and media file representation (column 21, lines 60-65 and Fig. 6).

**Claim 28:** Yang discloses the method of claim 27, further comprising altering, automatically, the browse speed when media files of a type associated with the desired media file are within the media view (column 21, lines 48-65).

**Claim 29:** Yang discloses the method of claim 28, wherein the step of automatically altering the browse speed when media files of a type associated with the desired media file are within the media view further comprises automatically decreasing the browse speed when media files of a type associated with the desired media file are within the media view and increasing the browse speed when media files of a type associated with the desired are not within the media view (column 21, lines 48-65 and Fig. 27).



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Kiran K. Shrestha whose telephone number is (571) 270-1691. The examiner can normally be reached Monday through Thursday from 7:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre, can be reached on (571) 270-1065. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-3800. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

K.S.  
KKS  
February 16, 2007



James W. Myhre  
Supervisory Primary Examiner